

1   **GARTH W. AUBERT - SBN 162877**  
 2   **COURTNEY M. POEL - SBN 246299**  
 3   **MENDES & MOUNT, LLP**  
 4   445 S. Figueroa Street, 38th Floor  
 5   Los Angeles, CA 90071-1601  
 6   Tel.: (213) 955-7700/Fax: (213) 955-7725  
 7   Email: [Garth.Aubert@mendes.com](mailto:Garth.Aubert@mendes.com)  
 8   Email: [Courtney.Poel@mendes.com](mailto:Courtney.Poel@mendes.com)

9  
 10   Attorneys for Defendant  
 11   **PRATT & WHITNEY CANADA CORP.**

FILED  
 AUG 7 2008  
 RICHARD W. WIRKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

E-filing

FAXED

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

LORI REZABEK-KELLS,  
 individually, as Successor-in-Interest,  
 as Personal Representative of the  
 Estates of PAUL KELLS and  
 CONNOR KELLS, deceased, and as  
 GUARDIAN AD LITEM for  
 MARGARET KELLS and LAUREN  
 KELLS, minors,

DONALD RUETZ, individually, as  
 Successor-in-Interest, and as Personal  
 Representative of the Estates of  
 CYNTHIA RUETZ, RAYMOND  
 RUETZ, and TYLER RUETZ,  
 deceased, VANESSA GERMANI,  
 DANIEL NELSON and DONALD  
 NELSON, individually and as  
 Successors-in-Interest of the Estate of  
 CYNTHIA RUETZ,

Plaintiffs,

vs.

PILATUS AIRCRAFT, LTD.,  
 PILATUS BUSINESS AIRCRAFT,  
 LTD., PRATT & WHITNEY  
 CANADA CORP., GG AIRCARAFT  
 LLC, DOES 1-25,

Defendants.

CASE NO. 08

3795

[Removal from Superior Court of  
 California for the County of San  
 Francisco, Case No. CGC-07-465132]

**NOTICE OF PENDENCY OF  
 OTHER ACTION OR  
 PROCEEDING**

[Pursuant to Northern District Local  
 Rule 3-13]

1 TO THE CLERK OF THE NORTHERN DISTRICT COURT OF CALIFORNIA  
2 AND TO PLAINTIFFS AND THEIR COUNSEL:

3 PLEASE TAKE NOTICE that the instant action, removed to this Court by  
4 the concurrently filed Notice of Removal, involves a material part of the same  
5 subject matter and substantially all of the same parties as a pending action in the  
6 United States District Court for the Northern District of California, Case No. C-07-  
7 4902-MEJ (George Gund III, et al. v. Pilatus Aircraft, LTD., et al.) (hereinafter,  
8 "Gund v. Pilatus"), filed July 13, 2007.

9 The instant case is closely related to the Gund v. Pilatus action because it  
10 arises from the same incident, a July 16, 2007 aircraft accident involving a Pilatus  
11 PC-6 aircraft, serial no. 908, and FAA Registration No. N908PL, near Playa  
12 Flamingo, Costa Rica. The two cases have been filed by the successors-in-interest  
13 and heirs of the deceased passengers and pilot on the flight. Additionally, the same  
14 three central defendants were initially named within each case, and removing party  
15 P&WC remains a defendant in both cases.

16 As such, the two cases will involve substantially the same evidence,  
17 witnesses, and legal issues. Thus, the two cases should be coordinated to avoid  
18 potential conflicts, to conserve judicial resources and to promote the efficient  
19 determination of the action.

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21 DATED: August 7, 2008

**MENDES & MOUNT, LLP**

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23

By:

Garth W. Aubert  
Attorneys for Defendant  
**PRATT & WHITNEY**  
**CANADA CORP.**

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## PROOF OF SERVICE

**STATE OF CALIFORNIA** } ss. **Kells v. Pilatus Aircraft, Ltd.**  
**COUNTY OF LOS ANGELES** } SFSC Case No. CG-07-465132  
Our File No. 390,583

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 445 S. Figueroa Street, Suite 3800, Los Angeles, California 90071.

On August 7, 2008, I served the document described as **NOTICE OF PENDENCY OF OTHER ACTION OR PROCEEDING** on the interested parties in this action, as follows:

**SEE ATTACHED SERVICE LIST**

- 10  **(By U.S. Mail)** By placing \_\_\_\_\_ the original /  a true copy thereof  
11 enclosed in a sealed envelope, with postage fully paid, addressed as per the  
12 attached service list, for collection and mailing at Mendes & Mount in Los  
13 Angeles, California following ordinary business practices. I am readily  
14 familiar with the firm's practice of collection and processing correspondence  
15 for mailing. Under that practice it would be deposited with U.S. postal service  
16 on that same day with postage thereon fully prepaid at Los Angeles, California  
17 in the ordinary course of business. I am aware that on motion of the party  
18 served, service is presumed invalid if postal cancellation date or postage meter  
19 date is more than one day after the date of deposit for mailing in affidavit.

20 \_\_\_\_\_ **(By Facsimile)** I transmitted from a facsimile transmission machine whose  
21 telephone number is (213) 955-7725 the above-entitled document to the  
22 parties listed on the attached Service List and whose facsimile transmission  
23 machine telephone number is indicated. The above-described transmission  
24 was reported as complete without error by a transmission report issued by the  
25 facsimile transmission machine upon which the said transmission was made  
immediately following the transmission. A true and correct copy of the said  
transmission report is attached hereto and incorporated herein by this  
reference.

26 \_\_\_\_\_ **(By FedEx)** I placed the above-entitled document in a FedEx (Overnight)  
27 envelope/pouch as addressed and indicated on the attached service list, with  
28 delivery fees paid or provided for and deposited in a facility regularly  
29 maintained by the express service carrier or delivered to a courier or driver  
30 authorized to receive documents on its behalf.

31  **(FEDERAL)** I declare that I am employed in the office of a member of the  
32 bar of this Court at whose direction the service was made.

Executed on August 7, 2008, at Los Angeles, California.

Lissette M. Fernandez

## **SERVICE LIST**

VIA U.S. Mail

Atorneys for Plaintiff  
Stuart R. Fraenkel  
Kreindler & Kreindler  
707 Wilshire Blvd., Ste.  
4100  
Los Angeles, CA 90017  
213-622-6469 / 213-622-  
6019 (Fx)

**Via U.S. Mail**

Jonathan S. Morse  
The Morse Law Group  
2800 28<sup>th</sup> Street, Ste. 130  
Santa Monica, CA 90405-  
6213  
310-396-0700 / 310-396-  
0900 (Fx)

**Via U.S. Mail**

Noah Kushlefsky  
Brian J. Alexander  
Kreindler & Kreindler,  
LLP  
100 Park avenue  
New York, NY 10017  
212-687-8181  
212-972-9432